

### **REMARKS**

Before addressing the substantive rejections, the Applicants acknowledge the indication of allowance of claims 4-6 made in the last Office Action. Furthermore, while the Applicants acknowledge the Examiner's indication that claim 12 would be allowable if rewritten in independent form, the Applicants have elected to abstain from making such amendment, in favor of presenting the amendments and arguments directed to such claim.

Claim 13 has been rejected under 35 U.S.C. § 112, second paragraph, as being indefinite for providing insufficient antecedent basis for the limitation "said hidden button." In response, the Applicants have amended claim 13, such that the limitation of "said hidden button" has been replaced with "said hidden switch" for which antecedent basis is found in claim 7, from which claim 13 depends. As such, the Applicants respectfully request that the rejection of claim 13 be withdrawn.

Claims 1-3, 7-11, 13-17, and 20 have been rejected under 35 U.S.C. § 102(b) as being anticipated by Maddox (US 6,390,329). Furthermore, claims 18-19 have been rejected under 35 U.S.C. § 103(a) as being unpatentable over Maddox.

With regard to the rejection of claim 1, the Applicants have carefully considered the rejection and, as such, have amended the claim for clarification purposes to better define over Maddox. Claim 1 now recites an object sensor positioned near the valve, wherein the object sensor monitors an area below where the valve dispenses, wherein upon detection of an object the valve dispenses fluid. Claim 1 also recites wherein the initial position of the apparatus in an area activates the apparatus position indicator (LED or tone), such that the apparatus position indicator generates an appropriate signal until the object sensor is properly positioned in the area.

Maddox, on the other hand, does not teach or suggest an apparatus position indicator that is activated on the initial positioning of the apparatus, and which generates an appropriate signal until the object sensor is properly positioned in the area, as is recited in claim 1. Rather, Maddox teaches an IR sensor (object sensor) to detect the presence of a user's hands or other object to be cleaned, and cycles the pump actuator to dispense a measured quantity of fluid material. (Column 4, lines 16-19). As such, Maddox does not teach or suggest the apparatus position indicator of claim 1. Therefore, withdrawal of the rejection of claim 1 is respectfully requested. Accordingly, all claims depending from claim 1 are believed to be allowable.

The Applicants also submit that Maddox fails to teach or suggest the limitations of dependent claims 2 and 3, which have also been amended for clarification purposes. In particular, claim 2 recites that the apparatus position indicator includes at least one illumination device that illuminates when the object sensor is properly positioned in the area. In addition, claim 3 recites that the apparatus position indicator includes at least one illumination device that illuminates until the object sensor is properly positioned in the area. Maddox, however, does not teach or suggest the ability to illuminate an illumination device when the object sensor is properly positioned in the area, or the ability to illuminate the illumination device until the object sensor is properly positioned, as set forth in the claims. As such, because each and every limitation of claims 1-3 are not taught by Maddox, the Applicants respectively request that the rejections of such claims be withdrawn.

Claim 7 has been amended for clarification purposes to recite a processor coupled to the object sensor and the pump actuator to control at least one operating feature maintained thereby. The claim also recites a hidden switch carried by the container, wherein actuation of the hidden switch places the processor in an operational feature mode that enables modification of the at least one operating feature.

In contrast, Maddox teaches a hidden switch that when actuated disables the object sensor for a predetermined time. (Column 6, lines 58-61). As such, the hidden switch of Maddox merely allows housekeeping personnel to clean about the dispenser without activating the dispensing mechanism during that time. (Column 6, lines 58-64). The actuation of the hidden switch of claim 7, however, places the processor in an operational feature mode that enables modification of at least one operating feature. Thus, the operation of claim 7, whereby an operational feature mode is entered upon the activation of the hidden switch, is clearly different from the operation of Maddox, and, as such, the Applicants respectfully request that the rejection of claim 7, and claims 8-15 depending therefrom be withdrawn.

Claim 16 has been amended for clarification purposes so as to recite a timer actuated upon dispensing of the fluid from the dispense mechanism, wherein the dispense mechanism is disabled if a predetermined number of dispense events occur within the predetermined period of time. That is, claim 16 teaches that the dispense mechanism is disabled if a predetermined number of dispense events occur within a predetermined time period. Such, a feature is clearly not taught or suggested by Maddox. In Maddox, the

dispenser only stops the counting of dispense events, the dispense mechanism is not disabled. As such, the Applicants respectfully request that the rejection of claim 16 and claim 17 depending therefrom be withdrawn.

With regard to the rejection of claims 18 and 19, the Applicants submit that because each and every limitation of claim 16, from which claims 18 and 19 depend, is not taught or suggested by Maddox, that the rejection of such claim should be withdrawn.

Examination and allowance of new claims 25 and 26 is respectfully requested. These claims are similar to claim 16, but are of slightly different scope. For the same reasons as set out in regard to claim 16, it is submitted that these new claims are likewise allowable.

Allowable claims 21-23 have been rewritten into independent form to incorporate the limitations of canceled claim 20. The last clause in claim 23 has been re-structured so as to properly present features of the control circuit in an orderly manner. As such, the Applicants respectfully request that the rejection of claims 21-23, and claim 24 depending from allowable claim 23 be withdrawn.

In view of the foregoing amendments and arguments presented herein, the Applicants believe that they have properly set forth the invention and accordingly, respectfully request that the Examiner reconsider and withdraw the objections and rejections provided in the last Office Action. A formal Notice of Allowance of claims 1-19 and 21-26 is earnestly solicited. Should the Examiner care to discuss any of the foregoing in greater detail, the undersigned attorney would welcome a telephone call.

In the event that a fee required for the filing of this document is missing or insufficient, the undersigned Attorney hereby authorizes the Commissioner to charge payment of any fees associated with this communication or to credit any overpayment to Deposit Account No. 18-0987. If a withdrawal is required from Deposit Account No. 18-0987, the undersigned Attorney respectfully requests that the Commissioner of Patents and Trademarks cite Attorney Docket Number **GOJ.100.US** for billing purposes.

Respectfully submitted,



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